

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS AND COMPOSITIONS FOR HIGH LEVEL EXPRESSION OF A HETEROLOGOUS
PROTEIN WITH POOR CONDON USAGE**

the specification of which is attached hereto unless the following space is checked:

(check one) is attached hereto.
 was filed on _____ as
 Application Serial No. _____
 And was amended on _____, if applicable

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the Untied States of America more than one year prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 CFR § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year filed)</u>	Priority Claimed [] []

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
1. 60/117,355	1/27/99

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Filing Date	Status — patented, pending, abandoned
1.		

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Peter D. McDermott	Reg. No. 29411	John P. Iwanicki	Reg. No. 34628
Dale A. Malone	Reg. No. 32155	Kathleen M. Williams	Reg. No. 34380

as my Attorneys.

Address all correspondence to:

Kathleen M. Williams, Esq.
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109

Direct all telephone calls to **Kathleen M. Williams, Esq.** at (617) 227-7111.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First named inventor:

Inventor's signature:

Fill Name of Inventor: Carsten-Peter Carstens
Residence: United States
Citizenship: United States
Post Office Address: La Jolla California

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: Carsten-Peter Carstens
Serial No.: Not yet assigned
Filed: Concurrently herewith
Entitled: Methods and Compositions for High Level Expression of a Heterologous Protein with Poor Codon Usage
Attorney Docket No.: 4114/85530

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(d) AND 1.27(d)) -SMALL BUSINESS CONCERN**

I hereby declare that I am an official empowered to act on behalf of the small business concern identified below:

Name of Organization: Stratagene
Address of Organization: 11011 North Torrey Pines Road
La Jolla, CA 92130

I hereby declare that the small business concern identified above qualifies as a small business concern as defined in 37 C.F.R. § 1.9(d) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled

METHODS AND COMPOSITIONS FOR HIGH LEVEL EXPRESSION OF A HETEROLGOUS PROTEIN WITH POOR CODON USAGE

by inventor(s) Carsten-Peter Carstens
described in

[X] the specification filed herewith
[] Application Serial No. _____, filed _____
[] Patent No. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern with regard to the above-identified invention.

If the rights held by the above identified small business concern are not exclusive, each individual concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

Ronni Sherman

NAME OF PERSON SIGNING

Executive Vice President & General Counsel

TITLE IN ORGANIZATION

STRATAGENE

11011 North Torrey Pines Road, La Jolla, CA 92037

COMPANY

SIGNATURE

DATE

UNITED STATES CONTINUING UTILITY PATENT APPLICATION
under 37 C.F.R. § 1.53(b)

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Atty. Docket No. 4114/85530

14. All correspondence for the attached application should be directed to:

Kathleen M. Williams, Ph.D.
Banner & Witcoff, Ltd.
28 State Street, 28th Floor
Boston, MA 02109
Telephone: (617) 227-7111
Facsimile: (617) 227-4399

15. Other: _____

Date: January 27, 2000

By: Kathleen Williams
Kathleen M. Williams, Ph.D.
Reg. No. 34,380

KMW/am